

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

Attorney's Docket No.

032796-090

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

SYSTEMATIC DISCOVERY OF NEW GENES AND GENES DISCOVERED THEREBY

the specification of which

(check one) ☒ is attached hereto;
☐ was filed on _____ as
Application No. _____
and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

| COUNTRY/INTERNATIONAL | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
|-----------------------|--------------------|--------------------------------------|---------------------|
| | | | YES__ NO__ |
| | | | YES__ NO__ |

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

| | | | | | |
|---------------------------|--------|-------------------------|--------|------------------------|--------|
| William L. Mathis | 17,337 | Eric H. Weisblatt | 30,505 | Bruce T. Wieder | 33,815 |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|--|-------------|------|
| FULL NAME OF SOLE OR FIRST INVENTOR | SIGNATURE | DATE |
| Qiondong ZENG | | |
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| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
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| FULL NAME OF THIRD JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Qiandong ZENG *et al.*) Group Art Unit: Unassigned
)
Serial No.: Unassigned) Examiner: Unassigned
)
Filed: February 27, 2002) **ATTENTION: BOX SEQUENCE**
)
For: SYSTEMATIC DISCOVERY OF)
NEW GENES AND GENES)
DISCOVERED THEREBY)

DECLARATION PURSUANT TO
37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Mercedes K. Meyer, declare as follows:

Transmitted herewith is the "Sequence Listing" in the form of 3 (three)
copies of a CD-ROM, as allowed in the changes to 37 C.F.R. §§ 1.821-1.825, as published
in the Federal Register on September 8, 2000. The three copies of the CD-ROM are
intended to serve as:

- (1) a compact disc copy of the Sequence Listing for
the above-identified patent application as required
by 37 C.F.R. § 1.821(c) ("Copy 1"), the disc
containing the ASCII file named "tech0109p",
stored on February 25, 2002, and of 1,076
kilobytes in size, in ASCII text format;

10083357.022702

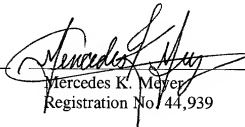
- 10083357.022702
- (2) a duplicate copy of the compact disc as required by 37 C.F.R. § 1.52(e)(4) ("Copy 2"), the disc containing the ASCII file named "tech0109p", stored on February 25, 2002, and of 1,076 kilobytes in size, in ASCII text format; and
 - (3) a compact disc copy in computer-readable form as required by 37 C.F.R. § 1.821(e), the disc containing the ASCII file named "tech0109p", stored on February 25, 2002, and of 1,076 kilobytes in size, in ASCII text format.
 4. That the copy of the computer readable form, submitted in accordance with 37 C.F.R. § 1.825(d), is identical to that originally filed in Provisional Application Serial No. 60/333,726, from which this application claims priority.

As required by 37 C.F.R. § 1.821(f), Applicants' representative hereby states that the contents of the "Sequence Listing" on all three CD-ROMs are identical and in computer readable form. As required by 37 C.F.R. § 1.821(g), Representative states that the submission is believed to include no prohibited new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

February 27, 2002

Date



Mercedes K. Meyer
Registration No. 44,939